

### **76.080 General powers of district.**

The district created under the provisions of KRS 76.010 to 76.210 is empowered:

- (1) To have jurisdiction, control, possession, and supervision of the existing sewer and drainage system of the city forming a district pursuant to KRS 76.010; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system; to make additions, betterments, and extensions thereto within the district area; and to have all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution. No enumeration of powers in KRS 76.010 to 76.210 shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.
- (2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures which in the judgment of the board will provide an effective and advantageous means for relieving the district area from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system of the district area as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of KRS 76.010 to 76.210, and may take all steps the board deems proper and necessary to effect the purposes of KRS 76.010 to 76.210.
- (3) To construct any additions, betterments and extensions to the facilities of the district, within or without the district area, and to construct any construction subdistrict facilities or additions, betterments and extensions thereto, within or without the district area, by contract or under, through, or by means of its own officers, agents and employees. No construction or extensions shall be started within the city forming a district pursuant to KRS 76.010 until, firstly, the city's director of works, and secondly, its board of aldermen have approved the plans. No construction or extensions shall be started in any city with a population greater than three thousand (3,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census until the governing authorities of such city or cities have approved the plans. No construction or extensions shall be started in any other part of the county until the plans have been approved, firstly, by the county engineer and, secondly, by the fiscal court.
- (4) To establish, construct, operate, and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. The sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board deems expedient.
- (5) To acquire and hold the personal property the board deems necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.
- (6) To acquire by purchase, gift, lease, or by condemnation, real property or any interest, right, easement, or privilege therein, as the board determines necessary,

proper and convenient for the corporate purposes of the district, and to use the same so long as its corporate existence continues, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pursuant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in the Eminent Domain Act of Kentucky. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, the real property and interest therein may be disposed of.

- (7) To make bylaws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city forming a district pursuant to KRS 76.010, shall be subject to the approval, supervision and control of the legislative body of the city as hereinafter provided.
- (8) To make contracts and execute all instruments necessary or convenient in the premises.
- (9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.
- (10) To fix and collect sewer rates, rentals, and other charges, for services rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city forming a district pursuant to KRS 76.010, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.
- (11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.
- (12) To approve or revise the plans and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in the whole county, in order to insure that such proposed construction, alteration or reconstruction shall conform to and be a part of a comprehensive sewer and drainage system for the said county. No sewers, drains, pumping and ventilating stations, or disposal and treatment plants or works shall be constructed, altered or reconstructed without approval by the board of the district. Any such work shall be subject to inspection and supervision of the district.
- (13) To enter into agreements with another entity or entities to acquire by purchase or lease, any real or personal property, or any interest, right, easement, or privilege therein, outside of the district's jurisdictional boundaries, in connection with the acquisition, construction, operation, repair, or maintenance of any sewage, wastewater, or storm water facilities, notwithstanding any other provision of the Kentucky Revised Statutes restricting, qualifying, or limiting their authority to do so, except as set forth in KRS Chapter 278.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 196, sec. 6, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 92, sec. 49, effective January 1, 2015. -- Amended 1976 Ky. Acts ch. 140, sec. 25. -- Amended 1968 Ky. Acts ch. 152, sec. 53; and ch. 156, sec. 1. -- Amended 1964 Ky. Acts ch. 33, sec. 3. -- Amended 1962 Ky. Acts ch. 286, sec. 20. - Amended 1952 Ky. Acts ch. 70, sec. 2. -- Amended 1948 Ky. Acts ch. 180, secs. 2 and 3. -- Created 1946 Ky. Acts ch. 104, sec. 6.